

## Message Text

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44

ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 CIAE-00 COME-00 DODE-00 EB-11

FMC-04 INR-10 NSAE-00 RSC-01 CG-00 COA-02 DLOS-06

PM-07 H-03 L-03 NSC-10 PA-04 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 OIC-04 DOTE-00 TRSE-00 CEA-02 SAJ-01

OMB-01 DRC-01 /168 W

----- 075373

R 251057Z OCT 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 8271

INFO USMISSION USUN NEW YORK

USMISSION BERLIN

USMISSION NATO BRUSSELS

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: PGOV, GW, GE, WB, UN

SUBJECT: GDR PROTEST TO UNSYGEN ON FRG REPRESENTATION  
OF WEST BERLIN IN IMCO

SUMMARY: GDR HAS SENT NOTE TO UNSYGEN CONTENDING THAT  
FRG MAY NOT REPRESENT WSB IN IMCO SINCE WSB ARE NOT A  
CONSTITUENT PART OF FRG AND MUST NOT BE GOVERNED BY IT.  
FRG NOW STRONGLY INCLINED TO MAKE REPLY AND WILL PRESENT  
DRAFT TO ALLIES IN HOPE THEY WILL JOIN IN RESPONSE.  
ACTION REQUESTED: DEPARTMENTAL GUIDANCE ON LINE EMBASSY  
SHOULD TAKE IN EVENTUALITY NOTED ABOVE. END SUMMARY.

1. AT OCTOBER 23 BONN GROUP MEETING, FRG REP (KASTRUP)  
TOLD ALLIES THAT IMMEDIATELY UPON JOINING IMCO (INTER-  
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GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION) ON

SEPTEMBER 25, 1973, THE GDR MADE THE FOLLOWING PROTEST TO THE SECRETARY GENERAL. BEGIN TEXT: THE MINISTRY OF FOREIGN AFFAIRS OF THE GERMAN DEMOCRATIC REPUBLIC PRESENTS ITS COMPLIMENTS TO THE SECRETARY-GENERAL OF THE UNITED NATIONS AND HAS THE HONOR, ON THE OCCASION OF THE ACQUISITION OF MEMBERSHIP OF THE GERMAN DEMOCRATIC REPUBLIC IN THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION, TO INFORM HIM OF THE FOLLOWING:

WITH REGARD TO THE REPRESENTATION OF INTERESTS OF BERLIN (WEST) IN THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION, THE GERMAN DEMOCRATIC REPUBLIC STATES IN ACCORDANCE WITH THE PROVISIONS OF THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 THAT BERLIN (WEST) IS NO CONSTITUENT PART OF THE FEDERAL REPUBLIC OF GERMANY AND MUST NOT BE GOVERNED BY IT. CONSEQUENTLY, THE DECLARATION OF THE FEDERAL REPUBLIC OF GERMANY THAT ITS MEMBERSHIP IN THIS ORGANIZATION WERE ALSO TO EXTEND TO THE 'LAND BERLIN' IS CONTRARY TO THE QUADRIPARTITE AGREEMENT AND CAN HAVE NO LEGAL EFFECTS.

THE MINISTRY OF FOREIGN AFFAIRS OF THE GERMAN DEMOCRATIC REPUBLIC AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE SECRETARY-GENERAL OF THE UNITED NATIONS THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

BERLIN, 25 SEPTEMBER 1973. END TEXT. (ACCORDING TO FONOFF DOCUMENTS, THE PROTEST WAS DISTRIBUTED BY UN AS DOCUMENT NUMBER 404-04-200, REPORT NUMBER 3810-73 ON OCTOBER 8, 1973.

2. KASTRUP SAID THAT FRG IS NOW STUDYING MATTER, IS STRONGLY INCLINED TO REPLY, AND WOULD BE SUBMITTING A DRAFT TO ALLIES IN THE HOPE THEY COULD JOIN WITH FRG IN MAKING RESPONSE. AS BACKGROUND, KASTRUP NOTED THAT WHEN FRG JOINED IMCO IN 1959 NO MENTION OF BERLIN WAS MADE IN ACCESSION DOCUMENT BUT THAT, ON OCCASION OF SEPTEMBER 1965 ACCESSION TO CHANGES IN THE IMCO AGREEMENT, THE FRG STATED THAT THE ENTIRE IMCO AGREEMENT WOULD HAVE EFFECT ALSO FOR "LAND BERLIN" (PRESENT FRG PRACTICE IS TO USE "BERLIN (WEST)").

3. COMMENT: THIS IS THE ONLY GDR DEMARCHE OF ITS KIND LIMITED OFFICIAL USE

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KNOWN TO ANY OF THE FOUR ALLIES IN BONN, BUT IT MAY VERY WELL BE A PORTENT. GDR MAY, IN EFFECT, BE ASSERTING THE POSITION THAT IT IS NOT RPT NOT BOUND BY THE USSR AGREEMENT IN ANNEX IV B2.(C) OF QA THAT "IT WILL RAISE NO OBJECTION TO" FRG REPRESENTATION ON THE INTERESTS OF WSB IN INTERNATIONAL ORGANIZATIONS AND CONFERENCES. EMBASSY IS NOW INCLINED TO BELIEVE THAT SOME KIND OF REPLY SHOULD BE MADE (FOR RECORD, IF FOR NO OTHER REASON) AND WE NOW

TEND TO THINK THAT REPLY FROM FRG ALONE WOULD BE MOST  
APPROPRIATE.  
HILLENBRAND

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